



General Assembly

January Session, 2013

Raised Bill No. 6342

LCO No. 2737



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING CRIMINAL PENALTIES FOR FAILURE TO
REPORT CHILD ABUSE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-21 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Any person who (1) wilfully or unlawfully causes or permits any
4 child under the age of sixteen years to be placed in such a situation
5 that the life or limb of such child is endangered, the health of such
6 child is likely to be injured or the morals of such child are likely to be
7 impaired, or does any act likely to impair the health or morals of any
8 such child, or (2) has contact with the intimate parts, as defined in
9 section 53a-65, of a child under the age of sixteen years or subjects a
10 child under sixteen years of age to contact with the intimate parts of
11 such person, in a sexual and indecent manner likely to impair the
12 health or morals of such child, or (3) intentionally and unreasonably
13 interferes with or prevents the making of a report of suspected child
14 abuse or neglect required under section 17a-101a, as amended by this
15 act, or (4) permanently transfers the legal or physical custody of a child

16 under the age of sixteen years to another person for money or other
 17 valuable consideration or acquires or receives the legal or physical
 18 custody of a child under the age of sixteen years from another person
 19 upon payment of money or other valuable consideration to such other
 20 person or a third person, except in connection with an adoption
 21 proceeding that complies with the provisions of chapter 803, shall be
 22 guilty of a class C felony for a violation of subdivision (1) or [(3)] (4) of
 23 this subsection, a class D felony for a violation of subdivision (3) of this
 24 subsection and a class B felony for a violation of subdivision (2) of this
 25 subsection, except that, if the violation is of subdivision (2) of this
 26 subsection and the victim of the offense is under thirteen years of age,
 27 such person shall be sentenced to a term of imprisonment of which
 28 five years of the sentence imposed may not be suspended or reduced
 29 by the court.

30 (b) The act of a parent or agent leaving an infant thirty days or
 31 younger with a designated employee pursuant to section 17a-58 shall
 32 not constitute a violation of this section.

33 Sec. 2. Section 17a-101a of the general statutes is repealed and the
 34 following is substituted in lieu thereof (*Effective October 1, 2013*):

35 (a) Any mandated reporter, as defined in section 17a-101, who in the
 36 ordinary course of such person's employment or profession has
 37 reasonable cause to suspect or believe that any child under the age of
 38 eighteen years (1) has been abused or neglected, as defined in section
 39 46b-120, as amended by this act, (2) has had nonaccidental physical
 40 injury, or injury which is at variance with the history given of such
 41 injury, inflicted upon such child, or (3) is placed at imminent risk of
 42 serious harm, shall report or cause a report to be made in accordance
 43 with the provisions of sections 17a-101b to 17a-101d, inclusive.

44 (b) Any person required to report under the provisions of this
 45 section who fails to make such report or fails to make such report
 46 within the time period prescribed in sections 17a-101b to 17a-101d,

47 inclusive, and section 17a-103 shall be [fined not less than five hundred
48 dollars or more than two thousand five hundred dollars] guilty of a
49 class A misdemeanor and shall be required to participate in an
50 educational and training program. The program may be provided by
51 one or more private organizations approved by the commissioner,
52 provided the entire cost of the program shall be paid from fees charged
53 to the participants, the amount of which shall be subject to the
54 approval of the commissioner.

55 (c) The Commissioner of Children and Families, or the
56 commissioner's designee, shall promptly notify the Chief State's
57 Attorney when there is reason to believe that any such person has
58 failed to make a report in accordance with this section.

59 Sec. 3. Subdivision (10) of section 46b-120 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective*
61 *October 1, 2013*):

62 (10) "Serious juvenile offense" means (A) the violation of, including
63 attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34,
64 29-35, subdivision (2) or [(3)] (4) of subsection (a) of section 53-21, as
65 amended by this act, 53-80a, 53-202b, 53-202c, 53-390 to 53-392,
66 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-
67 64aa, 53a-64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to
68 53a-94a, inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or
69 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of
70 section 53a-122, subdivision (3) of subsection (a) of section 53a-123,
71 section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section
72 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or
73 (B) running away, without just cause, from any secure placement other
74 than home while referred as a delinquent child to the Court Support
75 Services Division or committed as a delinquent child to the
76 Commissioner of Children and Families for a serious juvenile offense;

77 Sec. 4. Subsection (a) of section 54-36p of the general statutes is

78 repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2013*):

80 (a) The following property shall be subject to forfeiture to the state
81 pursuant to subsection (b) of this section:

82 (1) All moneys used, or intended for use, in a violation of
83 subdivision [(3)] (4) of subsection (a) of section 53-21, as amended by
84 this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a,
85 53a-196a, 53a-196b or 53a-196c;

86 (2) All property constituting the proceeds obtained, directly or
87 indirectly, from a violation of subdivision [(3)] (4) of subsection (a) of
88 section 53-21, as amended by this act, or section 53a-86, 53a-87, 53a-
89 90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

90 (3) All property derived from the proceeds obtained, directly or
91 indirectly, from any sale or exchange for pecuniary gain from a
92 violation of subdivision [(3)] (4) of subsection (a) of section 53-21, as
93 amended by this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-
94 189b, 53a-192a, 53a-196a, 53a-196b or 53a-196c;

95 (4) All property used or intended for use, in any manner or part, to
96 commit or facilitate the commission of a violation for pecuniary gain of
97 subdivision [(3)] (4) of subsection (a) of section 53-21, as amended by
98 this act, or section 53a-86, 53a-87, 53a-90a, 53a-189a, 53a-189b, 53a-192a,
99 53a-196a, 53a-196b or 53a-196c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53-21
Sec. 2	<i>October 1, 2013</i>	17a-101a
Sec. 3	<i>October 1, 2013</i>	46b-120(10)
Sec. 4	<i>October 1, 2013</i>	54-36p(a)

Statement of Purpose:

To strengthen the penalties associated with an individual's failure to report suspected child abuse or neglect.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]